



# CITY OF MEMPHIS

## COUNCIL AGENDA

April 15, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (April 1, 2008)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

## **CONSENT AGENDA**

### **GENERAL ORDINANCE - FIRST READING**

1. **ORDINANCE** amending Chapter 5, Code of Ordinances, City of Memphis, to update and amend regulations regarding animals and fowls by adding sections 5-41 through 5-44 establishing an Animal Shelter Advisory Committee, for the purpose of advising the animal shelter on matters related to the humane operation of the animal shelter, up for F I R S T reading.

Brown

Ordinance No. 5260

ACTION REQUESTED: Adopt the ordinance on First reading

### **GENERAL ORDINANCE - SECOND READING**

2. **ORDINANCE** amending previous Ordinance 4388, Codified as City Code, Title 6, Chapter 6-92, Section 6-92-1. ET SEQ., so as to revise Section 6-92-11, Subsection (A) to allow said Title 6, Chapter 6-92 to remain in full and effect until September 23, 2008, up for S E C O N D reading.

Collins

Ordinance No. 5258

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCE - FIRST READING**

3. **ORDINANCE** rezoning the west side of Getwell Road; +805 feet north of Crowfarn Drive, containing 2.26 acres in the Single Family Residential (R-S8) District, up for F I R S T reading.

Lowery

Ordinance No. 5259

Case No. Z 08-101

Applicant: John R. McCommon  
SR Consulting, LLC – Cindy Reaves – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING**

4. **RESOLUTION** approving final plat of KIMBROUGH FORCE MAIN RELOCATION.  
Contract No. CR-5106

Resolution approves the final plat located east of the intersection of Wolf River Blvd. and South Germantown Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. **RESOLUTION** accepting UNIVERSITY PLACE SEWER IMPROVEMENTS, PHASE 1, and authorizing release of bond.

(Contract No. CR-5002)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of Crump Blvd and Somerville Street. The standard improvement contract was approved on March 7, 2006. Resolution also authorizes the release of the performance bond in the amount of \$128,300.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving final plat of HERNANDO PLACE SUBDIVISION.  
Case No. S 07-040

Resolution approves the final plat located on the southwest corner of Hernando Road and Elvis Presley Blvd. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving final plat of MARTIN PD.  
Case No. PD 05-386

Resolution approves the final plat located on Wilburn Avenue east of Clark Alley. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATION FROM OPD**

8. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. PD 08-308 – OAKLEY TRANSPORT PLANNED DEVELOPMENT

Located on the northeast corner of N. Watkins Street and N. Thomas Street (U.S. Hwy 51) containing 4.14 acres in the Local Commercial (C-L) District

Applicant: Oakley Transport, Inc.  
Fisher & Arnold, Inc./Burch-Porter-Johnson, PLLC -  
Representative

Request: Planned development to allow a washing and sanitizing facility for tractor tanker trucks, including an expansion for four (4) additional wash bays

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: Hold for Thirty (30) Days

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: May 6, 2008**



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## MLGW FISCAL CONSENT

9. RESOLUTION awarding Contract No. 11250, Waste Management Services, to Pollution Control Industries in the funded amount of \$200,000.00.
10. RESOLUTION awarding Contract No. 11258, Grounds Maintenance, to Bean and Prince Contractors, Inc. in the funded amount of \$601,523.17.
11. RESOLUTION awarding Contract No. 11273, Replace North Dock Package HVAC Unit, to Gipson Mechanical in the funded amount of \$25,847.00.
12. RESOLUTION approving Change No. 4 to Contract No. 10968, Elevator Upgrades, with Kone, Inc. in the funded amount of \$27,946.92. (This renews the contract for the fourth renewal term, July 1, 2008 to June 30, 2009, with a 4% increase in maintenance and hourly rates.)
13. RESOLUTION approving Change No. 5 to Contract No. 11020, Janitorial Services, with Kimco Corporation in the funded amount of \$646,788.50. (This renews the contract for the third renewal term, February 21, 2008 to February 20, 2009, and amends the contract to comply with the Living Wage Ordinance of the City of Memphis.)
14. RESOLUTION approving Change No. 1 to Contract No. 11071, Emergency Aid Agreement, with Davis H. Elliot Construction Company, Inc. in the funded amount of \$96,819.10. (This covers reimbursement of expenses for labor, equipment and meals due to the storm of January 29, 2008.)
15. RESOLUTION approving Change No. 2 to Contract No. 11178, Internet Service Provider II, with PAETEC in the funded amount of \$52,200.00. (This renews the contract for the first renewal term, May 7, 2008 to May 6, 2011, at \$17,400.00 annually).
16. RESOLUTION approving Change No. 1 to Contract No. 11193, Janitorial Services, with Kimco Corporation, Inc. in the funded amount of \$122,240.22. (This renews the contract for the first renewal term, March 1, 2008 to February 28, 2009, with a rate increase of approximately 2.5%. This also amends the contract to comply with the Living Wage Ordinance of the City of Memphis.)
17. RESOLUTION awarding 24-month contract for meter covers to Vincent Sales, Inc. in the amount of \$33,000.00.
18. RESOLUTION awarding contract for aluminum trench shields to ICM of Memphis in the amount of \$45,976.01.

19. RESOLUTION awarding contract for Sonet Multiplexers to General Electric Company in the amount of \$49,950.00.
20. RESOLUTION awarding contract for battery-powered tools to Stuart C. Irby in the amount of \$27,176.50.
21. RESOLUTION awarding contract for pneumatic underground piercing tools to Vermeer Sales and Service, Inc. in the amount of \$43,990.00.
22. RESOLUTION awarding contract for maintenance renewal of Symantec Bindview Control for Windows to Coleman Technologies, Inc. in the amount of \$38,199.02.
23. RESOLUTION awarding contract for Anthracite and Sand Filter Media to Guthrie Sales and Service Company, Inc. in the amount of \$41,457.00.
24. RESOLUTION awarding contract for rental of two 127-ft. aerial lifts, including delivery and pickup charges, to Global Rental Company in the amount of \$41,300.00.
25. RESOLUTION amending Purchase Order No. 130050 with HD Supply, Inc. in the amount of \$73,566.25 and Purchase Order No. 130051 with The Durham Company in the amount of \$10,086.00 for electric meter sockets and pedestals, for a total amended amount of \$83,652.25. This covers additional funds needed to meet 2008 demands.
26. RESOLUTION awarding contract for paper-lead cable as follows:
- |                                |                   |
|--------------------------------|-------------------|
| The Okonite Company.....       | \$393,537.76      |
| Prysmian Cables & Systems..... | <u>916,349.16</u> |
| Total.....                     | \$1,309,886.92    |
27. RESOLUTION awarding 36-month contract for asphalt as follows:
- |                                    |                  |
|------------------------------------|------------------|
| Lehman Roberts.....                | \$660,000.00     |
| APAC-Tennessee.....                | <u>75,750.00</u> |
| Standard Construction Company..... | <u>71,165.00</u> |
| Total.....                         | \$806,915.00     |
28. RESOLUTION approving the employment of Nixon Peabody LLP on an as-needed basis at agreed upon hourly rates.
29. RESOLUTION approving Wetlands Credits Purchase Agreement between MLGW and the Wolf River Mitigation Bank, LLC for the purchase of 2.5 credits of wetlands in the amount of \$62,500.00.



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## REGULAR AGENDA

30.  
Flinn

### APPOINTMENTS

#### Memphis and Shelby County Parking Authority

##### Appointment

B. Lane Carrick

#### Memphis and Shelby County Parking Authority

##### Reappointment

John W. Stokes, Jr.

### GENERAL ORDINANCE– THIRD AND FINAL READING

31.  
so  
Halbert

**ORDINANCE** to amend Chapter 2, Article XI, Code of Ordinances, City of Memphis, as to add an annual adjustment to the Living Wage, up for T H I R D and F I N A L reading.

Ordinance No. 5257

ACTION REQUESTED: Take whatever action Council deems advisable

### ENGINEERING DIVISION

32.  
Morrison

**RESOLUTION** amending the Capital Improvement Budget by transferring an allocation of \$21,217.00 in G.O. General Bond Funds in Traffic Signals, Project Number EN01004 from Furniture, Fixtures and Equipment to Equipment Capital and appropriating \$21,217.00 in Equipment Capital and \$1,028,783.00 in Furniture, Fixtures and Equipment.

ACTION REQUESTED: Adopt the resolution

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

33. RESOLUTION authorizing and providing for the Issuance, Sale and Delivery of City of Memphis, Tennessee, general improvement bonds series 2008A, for the purpose of financing the cost of projects and retiring outstanding bond anticipation notes.

Halbert

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES**

34. RESOLUTION appropriating \$434,975.00 in G.O. Bonds from the Fiscal Year 2008 CIP Budget to purchase one (1) Pumper for the Division of Fire Services for a total appropriation of \$434,975.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

35. RESOLUTION approving the FY2009 Consolidated Plan and accepting and appropriating \$17,642,491.00, 2008 Community Development Block Grant (CDBG), HOME, Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) program funds from the U.S. Department of Housing and Urban Development (HUD) to the FY2009 budget for the Division of Housing and Community Development.

Ford

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION accepting a grant in the amount of \$309,924.00 from the U.S. Department of Housing and Urban Development (HUD). Resolution also establishes the use of the \$309,924.00 in the FY 2008 HUD Shelter Plus Care grant funds that will be used by the Division of Housing and Community Development for planned activities for the low-income homeless and special needs populations. The resolution will also appropriate \$309,924.00 funded by the HUD Shelter Plus Care Grant Project Number TN37C701021 which will be used by the Project Sponsor, Family Services of the Mid-South, to continue the implementation of the rental assistance program, CD90021.

Ford

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION amending the FY 08 Capital Improvement Budget by transferring a previous allocation of \$500,000.00 funded by Local Shared CIP (\$321,662.99) and G.O. Bonds (\$178,337.01) from HCD-Middle Income Developers Assistance Program CD01025 for contract construction (infrastructure improvements) to the Town Center at Soulsville CD01076 for 13 units of middle income housing.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES**

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES** (None)

**DIVISION OF POLICE SERVICES**

38. RESOLUTION accepting grant funds in the amount of \$1,034,280.00 from the U.S. Department of Justice grant award for reducing violent crime through Shelby County Government for the Safeways Grant Project to reduce violent crime in specific areas identified through Blue C.R.U.S.H. Resolution also amends FY 2008 Operating Budget to establish and appropriate grant funds in the amount of \$1,034,280.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION accepting grant funds in the amount of \$1,137,600.00 from the State of Tennessee for the In-Service Training Program for training for 1,896 commissioned officers. Resolution also amends FY 2008 Operating Budget to establish and appropriate grant funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

40. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring an allocation and appropriate \$44,330.00 funded by Sewer Funds from Service to Unsewered Areas, project number SW03001 to 2702 Berryhill Road Sewer Extension, project number SW03012 to provide service to an unsewered area and for a construction contract with Mills & Sons, Inc.

Morrison

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE – THIRD AND FINAL READING** (None)

**DIVISON OF PLANNING & DEVELOPMENT**

41. RESOLUTION approving a special use permit located on the south side of Vollintine Street; +/-334.46 feet east of Ayers Street, containing 0.24 Acre (10,454 sq. ft.) in the Single Family Residential (R-S6) District.

Lowery

Case No. SUP 08-211



Applicants: Klondyke Civic Association  
Ms. Quincy Morris – Representative

Request: Special use permit to allow a Neighborhood Resource Center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**PUBLIC HEARINGS**

42. RESOLUTION approving a planned development located on the northeast corner of Stateline Road and Airways Boulevard, containing 48.181 acres in the Single Family Residential (R-S8) & Multiple Dwelling Residential (R-ML) Districts.

Lowery

Case No. PD 07-332

Applicant: William H. Thomas, Jr.  
Fisher & Arnold, Inc. – Jud TePaske – Representative

Request: Planned development to permit industrial warehouse uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**7 NOTICES MAILED ON APRIL 3, 2008**

43. RESOLUTION approving a use variance located on the southeast corner of Summer Avenue and Waring Road, containing 36,154 square feet or .83 acre in the Highway Commercial (C-H) District.

Lowery

Case No. UV 08-03

Applicant: Car Wash USA  
Michael J. Fahy – Representative

Request: Car Wash

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**50 NOTICES MAILED ON APRIL 3, 2008**

**GENERAL ITEMS**

44. RESOLUTION requesting a committee be formed with Council Members and selected members of the public and private sectors, to create a plan and organize a supplemental summit within 12 months to coordinate and energize our community in a determined effort to create an environment where our children choose education over crime.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**PRESENTATIONS AND RECOGNITION OF VISITORS**

45. RESOLUTION congratulating the University of Memphis Tigers basketball team on their legendary season of recording setting wins.

McCormick

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION thanking Kingsbury High School's Peace Jam Committee for efforts to promote peace.

Fullilove

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

ADD-ONS

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 7 – Approved
8. Public Hearing set for May 6, 2008
9. Through 30 – Approved
31. Approved, as amended
32. Through 41 – Approved
42. Held to May 6, 2008
43. Approved
44. Withdrawn
45. Approved
46. Held to May 6, 2008

ACTION TAKEN ON THE MINUTES OF APRIL 1, 2008

MOTION: Lowery – Move to reconsider Item #20 from the Minutes of 4/1/08  
SECOND: Halbert  
AYES: Boyd, Collins, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland and  
Chairman McCormick  
Brown, Flinn, Fullilove and Ware did not cast a vote

APPROVED, item reconsidered, set up as Special Item #1

MOTION: Lowery – Hold until after the passage of the Unified Code  
SECOND: Ford  
AYES: Boyd, Collins, Flinn, Ford, Halbert, Morrison, Strickland and Chairman  
McCormick  
Brown, Fullilove, Hedgepeth, Lowery and Ware did not cast a vote

APPROVED, item held until the passage of the Unified Code, set up as Special Item #2

MOTION: Lowery – Pull Item #28 from the Minutes of 4/1/08 and hold to the Minutes of  
5/6/08  
SECOND: Hedgepeth  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,  
Strickland and Chairman McCormick  
Brown and Ware did not cast a vote

APPROVED, set up as Special Item #3

MAIN MOTION: Ford

SECOND: Boyd

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,  
Strickland and Chairman McCormick  
Brown and Ware did not cast a vote

**APPROVED**, as amended, with the exception of Items #20 and #28

**ACTION TAKEN ON THE MINUTES OF APRIL 15, 2008 FOR ITEM #37 ONLY**

MOTION: Ford

SECOND: Boyd

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,  
Strickland and Chairman McCormick  
Brown, Lowery and Ware did not cast a vote

**APPROVED**, set up as Special Item #4